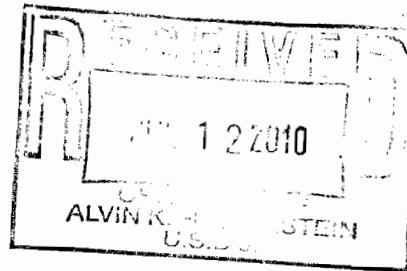
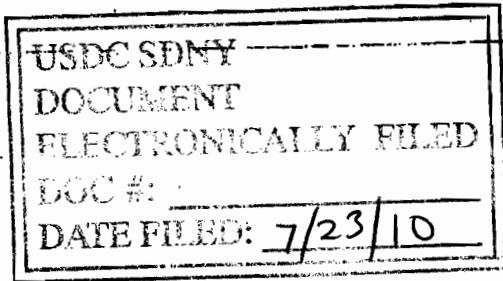


7/23/2010



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X
IN RE: LOWER MANHATTAN DISASTER SITE
LITIGATION

X
THIS DOCUMENT APPLIES TO ALL CASES
LISTED ON THE ATTACHED SCHEDULES A
AND B

Case No.: 21MC102 (AKH)

Docket No.:
(See attached Schedules A
and B)

This order relates to claims
against Merrill Lynch,
Brookfield and Battery Park
City Authority only in all
cases listed on Schedules A
and B

X

ALVIN K. HELLERSTEIN, U.S.D.J.

STIPULATION AND ORDER

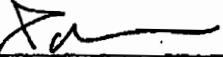
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the Plaintiffs listed on the attached Schedules A and B, and the attorneys for defendants Merrill Lynch & Co., Inc., 222 Broadway, LLC and CAP, Inc. (collectively "Merrill Lynch"), Brookfield Financial Properties, Inc., Brookfield Financial Properties, L.P., WFP Tower B Co. L.P., WFP Tower B Co. GP Corp., WFP Tower D Co. L.P., WFP Tower D Co. GP Corp., and WFP Retail Co. L.P. (collectively "Brookfield") and Battery Park City Authority ("BPCA") in these actions, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of this action, the matters (a) listed on Schedule A be and the same are hereby dismissed with prejudice as against the above-named Merrill Lynch, Brookfield and BPCA Parties only and without costs to any party with respect to all claims that could have been brought in

relation to (i) the existing pleadings of the Plaintiffs and (ii) a second injury to the extent permitted by New York State law by reason of the so-called "two-injury rule"; and (b) listed on Schedule B be and the same are hereby dismissed *with prejudice* as against the above-named Merrill Lynch Parties only and without costs to any party with respect to all claims that could have been brought in relation to (i) the existing pleadings of the Plaintiffs and (ii) a second injury to the extent permitted by New York State law by reason of the so-called "two-injury rule".

IT IS FURTHER STIPULATED AND AGREED, that the attorneys for Merrill Lynch, Brookfield or BPCA will submit a fully executed copy of this stipulation to the Court so that it may be "So Ordered" and filed with the Clerk of the Court.

Dated: July 9, 2010

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350 5th Avenue
New York, N.Y. 10018

SO-ORDERED:

Alvin K. Hellerstein
Hon. Alvin K. Hellerstein, USDI

7-22-10

Schedule A

Schedule A - 21MC102

Plaintiff	Case Number
Criollo, Jose and Criollo, Maria	05CV01104
Solis, Lucio and Solis, Linda	05CV01198
Silva, Antonio and Silva, Lupe C.	05CV01260
Pena, Gabriel	05CV01385
Guerrero, Francisco and Guerrero, Arelys	05CV01838
Salgado, Hipolito and Salgado, Teresa	05CV01675
Montero, Leidis	05CV01691
Hualpa, Angel and Hualpa, Rosa	05CV02501
Pachay, Maximo	05CV09041
Lescano, Ana	05CV09333
Alcivar, Raul	05CV09821
Naranjo, Rosa	05CV10738
Gaspar, Peter	05CV10739
Pena, Luis and Delourdes, Maria	05CV10741
Castillo, Piedad and Avila, Cesar	05CV10743
Abarca, Edgar and Abarca, Margoth	06CV01648
Villafuerte, Julio	06CV01652
Maldonado, Mariana	06CV01786
Narvaez, Carlos	06CV02221
Kowalczyk, Adam and Kowalczyk, Sabina	06CV02252
Gomez, Gildardo	06CV02285
Jozef Borkowski, as Administrator of the Estate of Jan Pietraszkiewicz	06CV02527
Gutierrez, Rafael and Gutierrez, Diana V.	06CV02813
Guzman, Carlos and Guzman, Gloria	06CV02884
Palma, Patricia	06CV03932
Kurak, Antoni	06CV04376
Aristizabal, Enid	06CV04377
Grabowska, Małgorzata	06CV04885
Dutan, Elvia and Dutan, Wilfredo	06CV05504
Rojas, Mario	06CV05786
Toral, Carlos and Toral, Zolia	06CV06233
Rivera, Sonia and Rivera, Andres	06CV06234
Sarmiento, Maydi	06CV06521
Slesicki, Jerzy	06CV06814
Perveen, Afroza	06CV07530
Benavidez, Vincente and Jostina, Florinda	06CV07913
Perkowski, Kazimierz and Perkowski, Maria	06CV08278
Porras, Raul and Porras, Diana	06CV09674
Sanchez, Rocio and Sumba, Jose R.	06CV10237
Mohlenbrok, Jeffrey and Mohlenbrok, Wallace Ann	06CV10823
Idrovo, Edgar and Macedo, Gladys	06CV11025

Schedule A - 21MC102

Name	Case Number
Robles, Maria	06CV11257
Cortes, Francisco and Yambo, Maria	06CV11847
Sanchez, Oscar	06CV11892
Ali, Carlos	06CV11910
Estrada, Harold and Estrada, Luz	06CV12045
Moran, Wilson and Moran, Gloria	06CV12341
Pina, Napoleon and Pina, Maria	06CV12413
Pyziak, Jan and Pyziak, Zofia	06CV12425
Tabares, Janeth and Bedoya, Freddi	06CV12826
Yumbia, Luis and Yumbia, Rosa	06CV13166
Arlotta, Thomas A. and	
Arlotta, Guadalupe	06CV13784
Cardenas, Edison	06CV14533
Claret, Cecilia and Gonzales, Benito	06CV14554
Drozdz, Dominik and Drozdz, Ewa	06CV14619
Dutan, Lucila	06CV14623
Gallo, Juan	06CV14670
Jakubowski, Janusz and Karpinska, Krystyna	06CV14741
Maldonado, Darwin	06CV14824
Szczepanski, Krzysztof and	
Szczepanski, Anna	06CV15084
Vergara, Viviana and Vergara, Verter	06CV15116
Martinez, Luis and Castellanos, Ludvina	07CV00057
Avila, Angel and Avila, Ammy	07CV00060
Acevedo, Carmelo and Carmelo, Martha	07CV01453
Alvarez, Rolando and Lidia, Joseta	07CV01455
Andrade, Alberto	07CV01456
Aristizabal, Dagoberto and Aristizabal, Alexandria	07CV01458
Avila, Edgar	07CV01464
Avila, Norberto and Avila, Nelly	07CV01465
Balarezo, Jose	07CV01468
Barragan, Sergio	07CV01469
Borkowski, Andrzej and Borkowska, Joanna H.	07CV01472
Camino, Francisco and Sarabia, Berta	07CV01476
Castellanos, Ludvina and Martinez, Luis L.	07CV01480
Chalco, Aida	07CV01481
Colucci, John and Colucci, Theresa	07CV01485
Cook, William and Cook, Mary Ann	07CV01486
Duran, Ana and Jaramillo, Manuel	07CV01493
Giraldo, John and Giraldo, Saraya	07CV01504
Hernandez, Luis C. and Hernandez, Rubelia	07CV01507
Santamaria, Emanuel	07CV01528

Schedule A - 21MC102

Plaintiff	Case Number
Sarmiento, Pedro and Sarmiento, Melanee	07CV01531
Tache, Bertha and Tache, Albert	07CV01537
Tamayo, Pedro and Tamayo, Gabriella	07CV01538
Toledo, William and Toledo, Patricia	07CV01539
Valdez, Wilson and Solis, Jimena	07CV01541
Valdiviezo, Hector and Casado, Veronica V.	07CV01542
Villarroel, Segundo and Villarroel, Martha L.	07CV01546
Walek, Krzysztof and Walek, Agata	07CV01547
Zamora, Carlos and Zamora, Mercedes	07CV01549
Avila, Cesar and Avila, Piedad	07CV01563
Avila, Nolberto and Avila, Brigida	07CV01584
Barona, Miguel and Sucuzhanya, Maria	07CV01569
Bunay, Carlos	07CV01571
Bunay, German Ernesto	07CV01572
Calle, Gil and Duchitanga, Maria	07CV01576
Calle, Jose and Calle, Damaris	07CV01577
Ceron, Armando	07CV01582
Chavez, Edizon and Chavez, Martha L.	07CV01585
Chojnowski, Andrzej and Chojnowski, Bozenna	07CV01588
Combos, John and Combos, Donna	07CV01593
Concepcion, Beatriz	07CV01594
Diaz, Ruth	07CV01601
Duchitanga, Maria and Calle, Gil	07CV01604
Flores, Danilia	07CV01608
Gallegos, Wilson and Gallegos, America M.	07CV01613
Idrovo, Manuel	07CV01628
Jimbo, Rodrigo and Calle, Dolores	07CV01632
Karpinski, Siewomir (sometimes referred to as Kappinski, Slawek) and Karpinski, Dorota	07CV01634
Karus, Marian and Karus, Barbara	07CV01635
Kasina, Andrzej	07CV01636
Kiryk, Andrzej and Kiryk, Urszula	07CV01639
Leon, Jose	07CV01647
Lituma, Manuel	07CV01649
Loja, Raul	07CV01652
Morales, Fabio and Morales, Martha	07CV01667
Ortiz, Rosa and Yumble, Elio	07CV01676
Ortiz, Wilson and Alvarez, Alejandra	07CV01677
Pena, Jorge	07CV01682
Pieczynska, Hanna	07CV01684
Rodas, Patricio and Ruiz, Taina	07CV01694

Schedule A - 21MC102

Defendant	Case Number
Rojas, Angel and Realeor, Olga Beatriz	07CV01696
Santana, Miquel	07CV01700
Siguachi, Daniel and Siguachi, Narcisa	07CV01705
Suarez, Felipe and Suarez, Ana C.	07CV01707
Suco, Norma	07CV01708
Sumba, Jose and Sumba, Maria	07CV01709
Sweeney, John and Sweeney, Ann	07CV01711
Szuberla, Edward	07CV01712
Vazquez, Francisco and Rodriguez, Tanya	07CV01721
Velasco, Zofia	07CV01723
Wierzbicki, Wladzimirz and Wierzbicka, Alicja B.	07CV01727
Wolkowicz, Jan and Wolkowicz, Grace	07CV01728
Zelaya, Jorge and Zelaya, Maria	07CV01730
Zenteno, Lawrence and Zenteno, Nancy C.	07CV01731
Reynolds, David and Reynolds, Katherine	07CV03446
Agudo, Claudio	07CV04447
Angulo, Rossina	07CV04449
Barreto, Raul and Avila, Dertim	07CV04451
Barroso, Hector	07CV04452
Borowiecki, Wiktor	07CV04455
Buestan, Hector and Sibri, Lucrecia	07CV04458
Campozano, Rodrigo and Campozano, Esther	07CV04459
Collazos, Nohemi	07CV04461
Criollo, Nancy and Zenteno, Lawrence	07CV04462
Davila, Paul	07CV04463
De La Cruz, Maria	07CV04464
Gallegos, Walter	07CV04467
Gavidia, Blanca and Gavidia, Alexo	07CV04468
Giraldo, Jaime and Veilada, Gloria	07CV04471
Jara, Marina	07CV04477
Lasica, Andrzej and Lasica, Ewelina	07CV04480
Loja, Wilmo	07CV04482
Lora, Andrea	07CV04484
Macas, Veronica	07CV04485
Medrano, Trinidad and Medrano, Salvador L.	07CV04493
Naranjo, Walter and Naranjo, Miriam	07CV04496
Oquendo, Walter	07CV04497
Pacho, Miguel and Pacho, Mercedes Y.	07CV04501
Pajak, Krzysztof and Pajak, Ewa	07CV04502

Schedule A - 21MC102

NAME	STORY NUMBER
Galli, Diana (sometimes referred to as Palma, Diana) and Galli, Claudio	07CV04503
Pankiewicz, Czeslaw and Pankiewicz, Maria	07CV04505
Pelaez, Rolando and Villamarin, Monica	07CV04507
Pilco, Luis and Pilco, Anna Lucero	07CV04508
Quizhpi, Jesus	07CV04509
Salazar, Victor	07CV04512
Sanchez, Jose	07CV04513
Sanmartin, Leonel and Sanmartin, Ana Rosa	07CV04514
Serrano, Angel and Sarmiento, Tanny	07CV04518
Skrzeczkowski, Eugeniusz and Skrzeczkowski, Alicja	07CV04517
Toledo, Jorge	07CV04518
Torres, Miguel and Torres, Maria	07CV04519
Vasquez, Klever and Blanca	07CV04520
Vega, Severo and Gonzalez, Lila	07CV04521
Vera, Alejandro	07CV04522
Gabrielsen, Harald and Gabrielsen, Debi	07CV05169
Bastidas, Julio and Calle, Rosa	07CV05276
Drysdale, Oswald and Drysdale, Alma	07CV05286
Fisco, Gregory and Fisco, Nicole	07CV05288
Garcia, Sixta T.	07CV05292
Hurtado, Julio and Montes, Elda Monica	07CV05295
Mendoza, Enrique and Mendoza, Maria De	07CV05302
Mesa, Luis F and Mesa, Maria	07CV05303
Negrон, Herbert and Negrон, Reshena	07CV05305
Robles, Teresa	07CV05312
Rodriguez, Luis	07CV05313
Romanluk, Mieczyslaw and Romanluk, Maria	07CV05318
Sanchez, Juan C. and Parrega, Janny	07CV05318
Velez, Lucrecia	07CV05325
Zalewski, Krzysztof and Zalewski, Danuta	07CV05330
Ballon, Peter B.	07CV05336
Costello, Thomas and Costello, Terri	07CV05345
Diez, Pancri and Diez, Rosa	07CV05351
Drake, Jesse and Drake, Susan	07CV05353
Encalada, Luis K.	07CV05364
Garcia, Sonia and Chavez, Christian	07CV05358
Jara, Juan	07CV05363

Schedule A - 21MC102

NAME	CASE NUMBER
Lara, Emerita E.	07CV05365
Ostrzycki, Wadyslaw and Ostrzycki, Wieslawa	07CV05375
Pineda, Herman and Pineda, Sarito	07CV05376
Pinela, Carlos and Pinela, Clotilde	07CV05377
Sanchez, Wilson and Guadalupe, Maria	07CV05386
Sparano, Robert and Sparano, Theresa	07CV05388
Melendez, Maria E.	07CV05397
Oreilana, Edgar	07CV05398
Samuel, Antwi	07CV05399
Urgiles, Miguel and Urgiles, Martha	07CV05400
Berahona, Jose and Barahona, Domenica	07CV05550
Diaz, Rita	07CV05552
Guzman, Armando	07CV05558
Galarca, Juan A.	07CV08280
Garcia, Isabel	07CV08281
Rozpedowski, Jerzy	07CV08285
Sanchez, Delta E. and Rojas, Filemon M.	07CV08288
Solis, Ignacio C.	07CV08287
Viscaino, Pedro and Viscaino, Diana	07CV08291
Lukac, Esad and Lukac, Hajra	07CV10179
Alvarez, Gloria and Sandoya, Henry	07CV11017
Avila, Delilim and Barreto, Raul	08CV02237
Gandurski, Wieslaw	08CV02240
Jimenez, Francisco and Jimenez, Marisol	08CV02242
Moran, Luis and Moran, Ketty	08CV02243
Pino, Fernando and Ortega Diaz, Luz Mari	08CV02245
Tapia, Cristhian	08CV02248
Arbelaez, Ignacio	08CV02581
Asmal, Carlos	08CV02583
Atehortua, Martha	08CV02585
Avila, Mauricio and Calle, Elva	08CV02586
Bermeo, Norma	08CV02589
Bunay, Teresa and Cabrera, Alfonso	08CV02578
Calle, Elva and Avila, Mauricio	08CV02584
Castillo, Nancy and Goliano, Cruz	08CV02593
Ceballos, Ledia and Domion, Cosme	08CV02595
Cedeno, Carlos and Pachay, Celia	08CV02596
Cochero, Robert and Cochero, Doris	08CV02801
DeJesus, Maria	08CV02805
Duche, Luz (sometimes referred to as Ductle, Luz), and Duche, Edgard	08CV02809
Espinosa-Cardenas, Nancy and Alves, Antonio Carlos	08CV02813
Faires, Manuel	08CV02617

Schedule A - 21MC102

Plaintiff	Case Number
Febrillet, Christian	08CV02618
Gallegos, Victor and Narvaez, Teresa	08CV02623
Gomez, Ruben	08CV02628
Gualotuna, Jorge	08CV02632
Harvey, Frank and Harvey, Nancy	08CV02635
Korzep, Andrzej and Korzep, Malgonzeta	08CV02642
Manco, Luz	08CV02654
Meneses, Luis A.	08CV02658
Nartowicz, Mieczyslaw	08CV02669
Naula, Maria Margarita	08CV02671
Naula, Segundo	08CV02672
Navarro, Geronimo	08CV02673
Nieto, Rodoiffo and Pachon, Martha	08CV02674
Parra, Leydi	08CV02681
Perez- Zapata, David and Votero, Julia	08CV02686
Ponce, Pedro	08CV02690
Ramirez, Ramiro	08CV02694
Rendon, Viviana and Valencia, Nestor R.	08CV02696
Sanchez, Daniel and Sanchez, Marisol	08CV02708
Sanguna, Luis and Santos, Ruth	08CV02712
Siguencia, Nancy, Navanjo, Manuel	08CV02715
Simancas, Luis and Simancas, Florence	08CV02717
Sterling, Maximino	08CV02720
Valladares, Rainel	08CV02730
Weber, William	08CV02735
Wieliczko, Romuald and Kaminska, Krystyna	08CV02737
Wronkowski, Marian and Wronkowski, Danuta	08CV02738
Zamora, Boliver and Huiracocha, Fanmy	08CV02740
Arango, Magda	08CV04930
Paciorkowski, Wojciech and Paciorkowski, Marianna	08CV04940
Claret, Justina	08CV06633
Szafranski, Konrad and Szafranski, Maria	08CV06638
Rejment, Jan and Rejment, Anna	08CV11455
Vargas, Edwin	08CV11458
Kucer, Thomas and Kucer, Maria	08CV02809
Cubero, Carmen	08CV03450
Pumacuri, Manuel	09CV03453
Tenempaguy, Rocío	09CV03455
Giardino, Thomas	

Schedule B

Schedule B - 21MC102

Last Name	First Name	Case Number
Cardona, Luz		05CV00417
Ocampo, Orlando and Ocampo,		
Janneth		05CV09161
Carrasco, Victor and Leon, H.		06CV00459
Arias, Julio and Arias, Jane		06CV01340
Quintanilla, Natalia and Quintanilla,		
Gerardo		06CV01341
Galvis, Edgar O		06CV03422
Porowski, Piotr and Porowski,		
Malgorzata		06CV03850
Carvajal, Javier		06CV08348
Loja, Jose and Duranzo, Livia Maria		06CV12219
Lopez, Miriam		06CV12221
Bikowski, Roman and Bikowski, Nella		06CV14498
Villa, Virginia and Villa, Rafael		06CV15118
Bermudez, Anita		07CV01470
Restrepo, Javier and Akin, Judith K.		07CV01517
Chace, Wilson		07CV01583
Cordova, Hector		07CV01596
Siemek, Andrzej and Siemek, Janina		07CV01704
Bunay, Cruz and Dela Cruz,		
Berneranda		07CV04457
Calle, Maria Rocio		07CV04458
Medrano, Salvador and Medrano,		
Trinidad L.		07CV04492
Rendon, Guelmer		07CV04510
Banda, Jr., Nestor and Velastega,		
Gabriela		07CV04873
Molina, Rosa L.		07CV05017
Arias, Arturo and Quintana, Marilyn		07CV05274
Cayetano, Teresita		07CV05282
Guerrero, Antonio		07CV05294
Kosowski, Edward and Stfanska,		
Elzbieta		07CV05299
Narvaez, Julia		07CV05304
Ruiz, Arley		07CV05317
Santos, Fernanda		07CV05319
Valencia, Carlos A. and Bonilla, Gloria		
N.		07CV05324
Villa, Patricia		07CV05326
Saeteros, Milton I.		07CV05383
Kopcza, Michal and Kopcza, Danuta		07CV05396
Castro, Janeth and Castro, Javier		07CV08279
Tabares, Liliana		07CV08289
Morales, Xiomar		07CV11022
Ruales, Segundo E. and Sarato,		
Cynthia		07CV11024
Colorado, Viviana and Carvajal, Leslie		08CV02239

Schedule B - 21MC102

Plaintiff	Case Number
Palomeque, Henry	08CV02244
Bonifaz, Susana	08CV02574
Castano, Carlos and Castano, Beatriz	08CV02591
Gil, Claudia and Banonios, Marco	08CV02625
Giraldo, Edir	08CV02626
Mayorga Gonzalez, Julio Cesar and Almos, Margarita	08CV02656
Montalvo, Luz and Navarro, Hector	08CV02680
Mora, Andres and Valdez, Rosa	08CV02681
Munoz, Janeth and Munoz, Javier	08CV02685
Munoz, Javier and Munoz, Janeth	08CV02686
Rodriguez, Mirian	08CV02702
Toledo, Victor and Canar, Dilia	08CV02723
Valdez, Rosa and Mora, Andres	08CV02727
Zamora, Jairo and Zamora, Gloria	08CV02741
Bermeo, Ana and Encalada, Idalgo	08CV04933
Gandia, Rosa	08CV04936